

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>LYNCHBURG STEEL, INC.,</b>	:	<b>CIVIL ACTION</b>
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>NO. 09-4705</b>
	:	
<b>O'NEILL PROPERTIES GROUP, L.P.,</b>	:	
	:	
<b>Defendant.</b>	:	

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**ORDER**

**AND NOW**, this 1st of December, 2010, upon consideration of Plaintiff Lynchburg Steel, Inc.'s Motion for Partial Summary Judgment on All Elements of Count I Only, Save for the Quantum of Damages (Document No. 28, filed 9/3/10); Plaintiff Lynchburg Steel, Inc.'s Suggestions in Support of Its Motion for Partial Summary Judgment (Document No. 29, filed 9/3/10); Defendant O'Neill Properties Group, L.P.'s Response in Opposition to Lynchburg Steel, Inc.'s Motion for Partial Summary Judgment (Document No. 32, filed 9/30/10); and Plaintiff Lynchburg Steel, Inc.'s Reply to O'Neill Properties Group, L.P.'s Response in Opposition to Plaintiff's Motion for Partial Summary Judgment (Document No. 33, filed 10/18/10), for the reasons set forth in the Memorandum dated December 1, 2010, **IT IS ORDERED** that Plaintiff Lynchburg Steel, Inc.'s Motion for Partial Summary Judgment on All Elements of Count I Only, Save for the Quantum of Damages, is **DENIED**.

**BY THE COURT:**

/s/ Hon. Jan E. DuBois

**JAN E. DUBOIS, J.**